

AB:PP

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

- against -

REYNALDO NESEOSUPE,

Defendant.

- - - - -X

AFFIDAVIT AND
COMPLAINT IN SUPPORT OF
APPLICATION FOR AN
ARREST WARRANT

(T. 18, U.S.C., § 2252(a)(2))

19-MJ-565

EASTERN DISTRICT OF NEW YORK, SS:

ELIZABETH JENSEN, being duly sworn, deposes and states that she is a Special Agent with the Federal Bureau of Investigation ("FBI"), duly appointed according to law and acting as such.

In or about January 2019, within the Eastern District of New York and elsewhere, the defendant REYNALDO NESEOSUPE did knowingly receive any visual depiction, the production of such visual depiction having involved the use of one or more minors engaging in sexually explicit conduct and such visual depiction was of such conduct, using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or affecting interstate or foreign commerce or which contains materials which have been mailed or so shipped or transported, by any means including by computer.

(Title 18, United States Code, Section 2252(a)(2)).

The source of your deponent's information and the grounds for her belief are as follows¹:

1. I have been a Special Agent of the FBI since January 2015. Since June 2017, I have been assigned to a Crimes Against Children squad, and am involved in the investigation of violations of criminal law relating to the sexual exploitation of children. I have gained expertise in this area through training in classes and daily work related to conducting these types of investigations. As part of my responsibilities, I have been involved in the investigation of numerous child pornography cases and have reviewed thousands of photographs depicting children (less than eighteen years of age) being sexually exploited by adults. Through my experience in these investigations, I have become familiar with methods of determining whether a child is a minor. I am also a member of the Eastern District of New York Project Safe Childhood Task Force.

2. I have personally participated in the investigation of the offenses discussed below. I am familiar with the facts and circumstances of this investigation from: my personal participation in the investigation, my review of documents, my training and experience, and discussions I have had with other law enforcement personnel. Additionally, statements attributable to individuals herein are set forth in sum and substance and in part.

3. On or about January 16, 2019, and on or about January 21, 2019, an FBI Special Agent working in an undercover capacity (the "Undercover Agent"), used a Bittorrent application via an Internet-connected computer located within the FBI New York Division to

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

conduct an undercover investigation into the Internet distribution and possession of child pornography. A .torrent file contains instructions on how to download files being shared on a peer-to-peer network. Once a user downloads the .torrent file, the Bittorrent program uses the instructions contained in that .torrent to download the actual files directly from another user. During this investigation, a computer that was sharing child pornography was located on the Bittorrent file sharing network. The Undercover Agent downloaded torrents containing approximately 190 files containing child pornography. One of the torrents was entitled "awe pthc videos.torrent." The sharing client's IP address was recorded along with the date and time of the file transfer. The sharing client reported that it was using Bittorrent client software "uTorrent MAC 1.8.6." Your Affiant reviewed the files downloaded. These files, which are available for the Court's review, are described as follows:

- a. **Megan & Dad play.jpg** is an image depicting a naked prepubescent female, approximately four to six years old, laying on her back. An adult male's penis is placed on the female's vagina.
- b. **Megan gets opened.jpg** is an image depicting a naked prepubescent female, approximately four to six years old, laying on her back. An adult hand is opening the female's vagina.
- c. **0y-g-07-07.jpg** is an image depicting a prepubescent child, approximately two months to one years old. The legs and buttocks of the child is exposed and an adult male penis is between the buttocks.

4. When users on this file sharing network download files, the computers sharing files can be identified by their IP addresses. Investigators can view and describe the completely downloaded files. The Bittorrent application used by the FBI captures the IP address from which the files were sent. The IP address assigned to the computer sharing the

above files was 100.38.205.11. Open source database searches revealed the IP address 100.38.205.11 was registered to Verizon Fios.

5. Records obtained from Verizon Fios by administrative subpoena showed the IP address 100.38.205.11 was associated with “27 GADSEN PLACE APT 1G, STATEN ISLAND, NY 10314” (the “PREMISES”). The account was listed in the name “JULIO NESEOSUPE.”

6. On or about May 1, 2019, the Honorable Steven M. Gold, United States Magistrate Judge, issued a warrant authorizing a search of the PREMISES. On May 15, 2019, law enforcement agents executed the search warrant at the PREMISES.

7. The defendant REYNALDO NESEOSUPE was at the PREMISES at the time of the execution of the search warrant. Law enforcement agents participated in a voluntary interview of the defendant at that time. The defendant was advised of the identities of the interviewing agents, the nature of the interview, and was told that he was not under arrest and was permitted to leave the premises. The defendant stated he understood he was not in custody and would speak with the law enforcement agents.

8. During the execution of the search warrant, law enforcement agents recovered, among other things, the defendant REYNALDO NESEOSUPE’s MacBook Pro laptop computer (the “Laptop”) and cellular phone. NESEOSUPE stated, in sum and substance, that the Laptop and cellular phone belonged to him.

9. Forensic analysis of the Laptop found approximately 1200 .torrent files stored on the Laptop that are known to be associated with child pornography based on law enforcement databases of known child pornography torrents.

10. In my training and experience, a cautious user of a Bittorrent program may use the program to download child pornography, and then delete the actual files containing the child pornography from the computer. That same user may not know, or may forget, to delete the .torrent files associated with the child pornography, thereby leaving evidence on their computer of the download and possession of child pornography.

11. The .torrent files related to child pornography found on the Laptop include, but are not limited to the following:

- a. awe pthc videos
- b. ! New ! (Pthc) Tara 8 Yr – Tara Gets Molested By A Clown
- c. (opva) PTHC 2014 – 2 Little Girls Suck Mans Dick So (GOOD) [OMG - MORE !! Please!]
- d. pthc preteen sex incest (REAL THING)

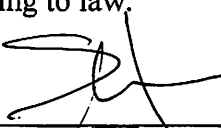
12. Found on the Laptop The was the “awe pthc videos.torrent” file, which as discussed above, was the same file the Undercover Agent downloaded from the IP Address during the January 21, 2019, undercover session and contained approximately 140 images of child pornography, including the images described in Paragraph 3.

13. During the execution of the search warrant, at the PREMISES, the defendant REYNALDO NESEOSUPE proceeded to make the following statements, in sum and substance and in part:

- a. NESEOSUPE advised he has lived alone at the PREMISES for the last three years;
- b. NESEOSUPE advised he owns the Laptop, which he last used over the weekend;

- c. NESEOSUPE asked Agents, what is the difference if “I tell you I don’t know who did it” or “I did it” when asked about downloading child pornography;
- d. NESEOSUPE advised he has used uTorrent;
- e. NESEOSUPE asked Agents, “How do you find a trace of a torrent?” and wanted to know what happens after Agents find traces of torrents which should not be on the MacBook.

WHEREFORE, your deponent respectfully requests that the defendant
REYNALDO NESEOSUPE be dealt with according to law.



ELIZABETH JENSEN
Special Agent
Federal Bureau of Investigation

Sworn to before me this
19th day of June, 2019



THE HONOR
CHIEF UNITI
EASTERN DI

S/Mann

JUDGE